

Docket No. 1232-4756US1

Express Mail No. EV 245500293 US



27123

PATENT TRADEMARK OFFICE

03945 U.S.PTO
10/684294



10/10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

(1) Yasuyuki UNNO
Tochigi, Japan

(2) Seiji TAKEUCHI
Tochigi, Japan

Additional inventors are listed on a separate sheet

For: OPTICAL ELEMENT AND MANUFACTURING METHOD THEREFOR

Enclosed Are:

34 page(s) of specification
1 page(s) of Abstract
8 page(s) of claims
18 sheets of Formal Informal drawings
2 page(s) of Declaration and Power of Attorney

Unsigned
 Newly Executed
 Copy from prior application
 Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))

Signed statement attached deleting inventor(s) named in the prior application serial no. _____, filed _____.

Microfiche Computer Program (Appendix)

page(s) of Sequence Listing

computer readable disk containing Sequence Listing

Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same

Assignment Papers (assignment cover sheet and assignment documents)

A check in the amount of \$40.00 for recording the Assignment

Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. _____.

Assignment Papers filed in the parent application Serial No. 09/934,947

Certification of chain of title pursuant to 37 C.F.R. §3.73(b)

Priority is claimed under 35 U.S.C. §119 for:

Application No(s). 2001-234254 and 2001-244970, filed June 27, 2001 and July 6, 2001, respectively, in Japan (country).

Certified Copy of Priority Document(s) [_____]

filed herewith

filed in application Serial No. 09/934,947, filed August 22, 2001.

English translation document(s) [_____]

filed herewith

filed in application Serial No. _____, filed _____.

Priority is claimed under 35 U.S.C. §119(e) for:
Provisional Application No. _____, filed _____.

Information Disclosure Statement

Copy of [_____] cited references

PTO Form-1449

References cited in parent application Serial No. 09/934,947, filed August 22, 2001.

Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)

A copy of related pending U.S. Application(s) Serial No(s): _____, filed _____, respectively, is attached hereto.

A copy of related pending U.S. Application(s) entitled, _____, filed _____ to inventor(s) _____, respectively, is attached hereto.

A copy of each related application(s) was submitted in parent application serial no. _____, filed _____.

Preliminary Amendment

Return receipt postcard (MPEP 503)

This is a continuation divisional continuation-in-part of prior application serial no. 09/934,947, filed August 22, 2001, to which priority under 35 U.S.C. §120 is claimed.

Cancel in this application original claims 1-17 and 24-40 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).

The status of the parent application is as follows:

A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until _____.

A copy of the Petition for Extension of Time in the co-pending parent application is attached.

No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.

Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.

Transfer the drawing(s) from the parent application to this application

Amend the specification by inserting before the first line the sentence:
This is continuation divisional continuation-in-part of co-pending application Serial No. 09/934,947, filed August 22, 2001.

I. CALCULATION OF APPLICATION FEE

	Number Filed	Number Extra	Rate	Basic Fee \$770.00/385.00
Total Claims	26- 20 =	6x	\$18.00/ \$9.00	\$ 108.00
Independent Claims	3- 3 =	0x	\$86.00/ \$43.00	\$ 0
<input checked="" type="checkbox"/> Multiple Dependent Claims	If marked, add fee of \$290.00 (\$145.00)			\$ 290.00
				TOTAL: \$ 1,168.00

Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith
\$ ____.

A check in the amount of \$1,168.00 in payment of the application filing fees is attached.

Charge fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4756US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 10, 2003

By:


Sungho Hong
Registration No. 54,571

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Takeuchi et al
Group Art Unit: TBA
Serial No.: TBA (Div. of 09/934,947)
Examiner: TBA
Filed: Herewith (Parent filed August 22, 2001)
For: OPTICAL ELEMENT AND MANUFACTURING METHOD THEREFOR

MAIL STOP PATENT APPLICATION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

EXPRESS MAIL CERTIFICATE

Sir:

Express Mail Label No. EV 245500293 US
Date of Deposit : October 10, 2003

I hereby certify that the following attached paper(s) or fee:

1. Check in the amount of \$1,168.00;
2. Utility Application and Fee Transmittal;
3. Specification (34 pages); Claims (8 pages); Abstract (1 page); Drawings (18 sheets);
4. Information Disclosure Statement;
5. Form-1449 (2 pages);
6. Seven references cited on the Form-1449 (7 pages);
7. Preliminary Amendment;
8. A copy of previously filed Declaration and Power of Attorney (2 pages);
9. A copy of previously filed Assignment (1 page); and
10. Return Receipt Postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

Sungho Hong
(Typed or printed name of person
mailing paper(s) and/or fee)


(Signature of person mailing
paper(s) and/or fee)

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800
(212) 751-6849 Telecopier